

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

MAC'S CONTRACTING CO., INC.,
Defendant

and

PEABODY CONSTRUCTION COMPANY,
Reach-and-Apply Defendant

and

EASTERN BANK,
Trustee

C.A. No. 04-11775 JLT

JOINT MOTION TO STAY PROCEEDINGS

Plaintiffs Paul J. McNally as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al and Defendant, Mac's Contracting Co., Inc. respectfully move this court to stay the proceedings in this matter, including the Scheduling Conference now scheduled for May 10, 2005 at 10:30 a.m., until November, 2005 with the expectation that the matter will be reported as fully resolved at that time. As grounds therefore, the parties state as follows:

1. They have entered into a settlement agreement which they are in the process of effectuating. This agreement provides for payment in full of defendant's liability by November, 2005.

2. The stay will conserve judicial resources as well as the parties' resources.

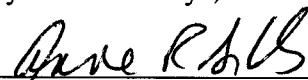
3. No party will be harmed by the stay.

WHEREFORE, the parties seek to stay these proceedings until November, 2005.

Respectfully submitted,

PAUL J. MCNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,



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MAC'S CONTRACTING CO., INC.,



William MacDonald, President

Dated: May 3, 2005

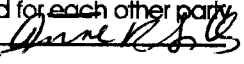
LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Rule 7.1(A)(2) that prior to filing this motion the parties conferred and that counsel for Reach and Apply Defendant Peabody Construction Co., Inc. has stated that they have no objection to the filing of this motion.



Anne R. Sills, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail-hand on  dated *5/3/05* *sent ad*